

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**
THOMAS HARDIE,

Plaintiff,

**1:18-cv-470
(GLS/CFH)**

v.

CITY OF ALBANY et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR PLAINTIFF:

THOMAS HARDIE

Plaintiff, *Pro Se*

Woodbourne Correctional Facility

99 Prison Road

PO Box 1000

Woodbourne, NY 12788

Gary L. Sharpe

Senior District Judge

ORDER

The above-captioned matter comes to this court following a Report-Recommendation and Order by Magistrate Judge Christian F. Hummel, duly filed on August 22, 2018. (Dkt. No. 12.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed,¹ and the court having reviewed the Report-Recommendation and Order for clear error, it is hereby

ORDERED that the Report-Recommendation and Order (Dkt. No. 12) is **ADOPTED** in its entirety; and it is further

ORDERED that all claims against defendants Jarrod M. Jourdin, Raven Symone Dixon, and John Doe “unidentified name police officer,” in their official capacities, are **DISMISSED with prejudice**; and it is further

ORDERED that, insofar as plaintiff’s complaint can be read as attempting to set forth claims for false arrest and false imprisonment against the individual officers, such claims are **DISMISSED without prejudice** and with opportunity to amend to allow plaintiff to demonstrate that his claims are not barred by *Heck v. Humphrey*, 512 U.S. 477 (1994); and it is further

ORDERED that plaintiff’s remaining claims are: (1) claims against individual officers in their individual capacities; (2) a *Monell* claim against

¹ On September 4, 2018, plaintiff filed a letter advising the court that he has no objection to the Report-Recommendation and Order. (Dkt. No. 14.) He has, however, filed several documents that evince his intent to amend his pleadings. (Dkt. No. 14, Attach. 1; Dkt. No. 15.) While any amended complaint must be a wholly-integrated and complete pleading that does not rely upon or incorporate by reference any pleading or document previously filed with the court, those documents are referred to Judge Hummel for further review.

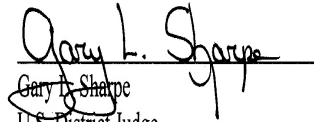
the City of Albany, (3) a Fourteenth Amendment deliberate indifference claim against the individual officers, and (4) a Fourth Amendment excessive force claim against the individual officers; and it is further

ORDERED that plaintiff's latest filing (Dkt. No. 15) be referred to Judge Hummel for review; and it is further

ORDERED that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules.

IT IS SO ORDERED.

September 7, 2018
Albany, New York



Gary L. Sharpe
U.S. District Judge